

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BIG CAT RECORDS, LLC,

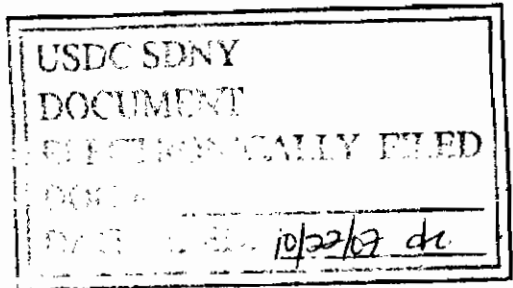
Plaintiff,

-v-

La FLARE ENTERTAINMENT, LLC,

Defendant.  
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BARBARA S. JONES  
UNITED STATES DISTRICT COURT JUDGE



07 CV 8161 (BSJ)

ORDER

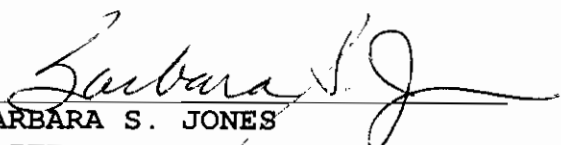
Plaintiff filed a complaint in the above-captioned case on September 18, 2007, seeking a declaratory judgment (and an accompanying injunction) that a pending album release, scheduled for September 25, 2007, would not violate Defendant's copyrights in various musical works. On September 21, 2007, the Court held a hearing on this issue pursuant to an order to show cause. At that hearing, the Court noted that it would not be able to issue a decision prior to the impending release date, and that if Plaintiff chose to release the album, it would proceed at its own risk. In a letter dated September 24, 2007, Plaintiff stated that "business exigencies, together with the logistics of the record business, have led Big Cat Records to conclude that

it cannot delay the release pending a judicial determination on the matter." (Letter from Stewart L. Levy, Attorney for Big Cat Records, to the Court, dated Sept. 24, 2007.)

"Pursuant to Article III of the Constitution," this Court has "jurisdiction only over live cases and controversies." ABC, Inc. v. Stewart, 360 F.3d 90, 97 (2d Cir. 2004). "Therefore, under the mootness doctrine, if an event occurs while a case is pending . . . that makes it impossible for the court to grant any effectual relief whatever to a prevailing party," the Court "must dismiss the case, rather than issue an advisory opinion." Id. (internal quotations omitted). Here, Plaintiff has proceeded with the course of action for which it sought a declaratory judgment; the Complaint is now moot and is accordingly DISMISSED.

The Clerk of Court is ordered to close this case.

**SO ORDERED:**

  
BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
October 18, 2007